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Backgrounder

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Out of Africa

Somali Bantu and the Paradigm Shift in Refugee Resettlement

By Don Barnett

Despite being masked by the temporary reduction in admissions after 9/11, changes in the refugee resettlement program that began at the end of the Cold War are becoming increasingly consequential. Most importantly, the refugee program has come to be shaped by a global human rights agenda, divorced from the previous grounding in foreign policy and national interest. The most recent evidence for this is the decision to resettle a tribe known as the Somali Bantu from UN refugee camps to the United States, rather than explore the very real possibility of solutions within Africa itself. This paper will examine the process behind a decision to resettle refugees to the United States as well as some of the challenges such a decision entails.

Spend enough time talking to people in the refugee resettlement business and you will hear the story, by all accounts true, about a surprise encounter the Kenyan ambassador to the United States had one day in Washington, D.C. While making their way through a D.C. airport, the ambassador and his nephew spotted a group of students from the nephew's elite school in Nairobi. It turned out the privileged youths had managed to pass themselves off as "Somali refugees" and were on their way to new homes and a new life in Minnesota.

In January 2002, the United Nations announced that about 70 people were involved in a long-running bribery and extortion scheme involving the selection of refugees bound for western countries. Three staff members at the UN High Commissioner for Refugees (UNHCR), the main UN organization charged with protecting refugees around the world, were among the ringleaders. When U.S. immigration service officials and the American ambassador began investigating corruption in the Kenya office, the conspirators hatched a plan to issue death threats to them in the name of Osama bin Laden, according to a UN report. The High Commissioner, Ruud Lubbers, stated "we in UNHCR must accept institutional responsibility for allowing an environment in which these activities could take place."

We may never know if the classmates of the Kenyan ambassador's nephew were beneficiaries of the crime ring that was selling UN refugee slots or just good storytellers when it came time to make the case to U.S. authorities in Nairobi that they had a "well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion." They were probably both.

The UN corruption scandal in Kenya was little noticed by the American media, though Africa will soon be the largest source of refugees to the United States. Africa is home to 3.3 million of the refugees recognized by the UNHCR and at least 10 million more who are displaced within their home countries.[1] According to a recent statement by Kelly Ryan, Deputy Assistant Secretary of State, "The future of the [U.S.] refugee program is in Africa."

Post-Cold War Changes

Foreign policy and what some would call a narrowly construed "national interest" have dramatically receded as guiding forces in the refugee resettlement program to be replaced by a global human rights agenda and a constellation of hundreds of interrelated government-funded non-governmental organizations (NGOs) pursuing their own institutional interests.

Describing the refugee program in the mid-1990s, Kathleen Newland, co-director of the Migration Policy Institute and an advocate for expansion of the program today, wrote "the overwhelm-

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ing majority of U.S. resettlement places for refugees from abroad… went to people from the former Soviet bloc and Indochina, relatively few of whom would meet the international standard for a claim of international protection."[2]

The refugee program is undergoing a paradigm shift with the close of the Cold War. The post-9/11 slowdown in refugee processing has concealed this shift. Indeed, looking very much like it always has, in the last two years the largest single group to benefit from the program has been post-Soviet evangelicals and Jews, many if not most of whom probably never encountered so much as a slur in their home countries. Every year Congress re-authorizes the "Lautenberg Amendment" granting this extraordinary immigration privilege and the Department of Homeland Security sends agents to provincial towns around the former Soviet Union to help intending refugees link up with the U.S. refugee program.

But there is little doubt that the last two years are a temporary anomaly, or that a refurbished post-Cold War refugee resettlement program is taking shape with as much vigor as the old refugee resettlement program and, possibly, with far greater long-term consequences. In its Proposed Refugee Admissions for 2003 report to Congress the State Department writes "we must recover from the setbacks of FY2002 before we can grow the program," but remains committed to "a generous and healthy refugee admissions program." Three congressional letters — from Senate majority leader Bill Frist, Judiciary Chair Orrin Hatch, Sam Brownback and others along with the newly formed Congressional Refugee Caucus — call for an annual refugee admission level of no less than 100,000 per year.

Genuine Refugees. The Kenyan ambassador's experience notwithstanding, the chances of a beneficiary of America's refugee program being an actual refugee is greater now than it ever has been. Under this new model refugees to the United States are more likely to be direct referrals from UN-run refugee camps. The U.S. State Department has committed to taking at least 50 percent of those refugees which the UNHCR has recommended for resettlement to a third country and the UNHCR is committed to increasing the numbers of refugees it refers for resettlement to third countries. Typically "resettlement" has meant resettlement to the industrialized West. Since 1992, 77 percent of refugees who were resettled permanently in industrialized countries came to the United States.[3]

The UNHCR has three options for dealing with the refugees in its care, who by definition have fled their country of origin to another country of "first asylum." Besides maintaining the supposedly temporary camps where the refugees reside, the UNHCR pursues "durable solutions" which include 1) voluntary repatriation — return to the country of immediate origin; 2) integration and permanent residence in the country of "first asylum;" or 3) resettlement to a third country. Repatriation is by far the most commonly used solution.

The UNHCR had 10.3 million refugees in its care at the beginning of 2003, down 14 percent from 2002 as some two million Afghans returned to Afghanistan. Other significant repatriation programs took place in Africa in 2002 for nearly 160,000 refugees.

Resettlement of refugees to a third country was once officially the last resort to be used only after the failure of attempts to return refugees to their country or to integrate them into the country where they have sought asylum. It is generally accepted that the chance of resettlement in a Western country was a significant contributing factor in the flight of Southeast Asian boat people in the 1980s and 1990s.

No Longer a Last Resort

In recent years the number recommended for resettlement to a third country by the UN has been relatively small. For instance, between 1992 and 2001, only 10,000 African refugees were resettled annually to other parts of the world.[4] But the UN position on third country resettlement has recently changed. According to former UNHCR Director of Resettlement, Shelly Pitterman, "resettlement to a third country is not considered only as a last resort for solving the problems of refugees, but is evaluated in the context of the real prospects of voluntary repatriation and local integration."[5]

As the most costly, risky, and difficult solution for addressing the plight of refugees, it is hard to imagine that resettlement to third countries, especially to countries in different hemispheres, will ever be equal in importance to the return of refugees to their home countries. But conversations with the State Department Bureau of Population, Refugees, and Migration (PRM) have confirmed the improved standing of resettlement to a third country among the three options for dealing with the world's refugee population. Numbers referred for resettlement are expected to rise, however, and more countries, even non-Western countries, will be expected to become destinations for permanent

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resettlement. According to UNHCR's Pitterman, "In order to help address the protection problems confronting refugees and the consequent need to broaden resettlement opportunities, other countries are being approached to become destinations."[6]

When resettlement is discussed now it is often as part of a comprehensive solution involving all three options, not as a last resort after the other two options have failed. This has given refugee groups some leverage over the process of deciding what happens to them. An entire group in a camp can agree among themselves to refuse to return home knowing that authorities will eventually be forced to resettle them elsewhere. At this point the "first asylum" country can employ the tools in its defensive arsenal, which may involve some means of intentionally worsening already difficult living conditions in the camp. In effect, both the refugees and the host country of first asylum are unofficial allies in efforts to get the refugee group moved to a different country, with both knowing that if they just hold out long enough there will eventually be a solution to everyone's liking.

Further complicating this picture in long-term African refugee camps, according to Jeff Crisp, Head of Evaluation and Policy Analysis for the UNHCR, "certain refugee groups may choose to remain in exile and to pursue their political objectives from the country which has granted them asylum."[7]

Not that life in most camps is anything but desperate and, in many cases, barely an improvement on the dangerous situations the refugees left behind at home. According to the World Health Organization, "as many as half of the world's refugees may be infected with tuberculosis."[8] According to Shelly Dick from the Evaluation and Policy Analysis Unit of the UNHCR, "a growing problem at the camp [Ghana's Budumbura camp] are restless youths that have no interest in attending school. One area of the camp, known as The Gap is particularly notorious…Imitating American-style 'gangstas in the hood' these youths spend their days without much to do and get themselves into trouble from time to time. Some camp residents are concerned that they spoil the reputation of Liberians in Ghana, potentially giving the Ghanaian authorities a good excuse for closing down the camp."[9] Violence and social breakdown characterize life for many in the camps: "What is perceived to be lost is the old social order and this can be seen in women's lack of respect for men, in children's lack of respect for adults and in small people's lack of respect for 'big men'."[10] According to Jeff Crisp, "protracted refugee situations in Africa are generally characterized by high levels of social tension and physical violence."[11]

United States Is "Holy Grail"

Sasha Chanoff of the International Organization of Migraton (IOM) calls resettlement to the United States the "holy grail" for those in refugee camps in Africa.[12] It is clear that many consider their only chance of getting out of the camps to be resettlement to the West and are willing to pass up the chance to move elsewhere in the hopes of eventually resettling in the West. In fact Somali refugees in Kenya have a word to describe this syndrome, "buufis," which means "extreme hope for resettlement."

Many forces can be brought to bear which would influence decision makers toward resettlement to a third country.

The U.S. State Department has been steadily raising the annual target quota of African refugees admitted to the United States. For FY '04, the Africa quota is 20,000 out of an overall quota of 70,000. While falling short of its goals, the reorientation of the refugee program from Moscow and Hanoi to Africa and the Middle East is, nevertheless, proceeding. Since

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the mid-1990s, the United States has been resettling smaller African refugee groups: the Benadir Somalis (approximately 4,000) in 1995, the Barawa Somalis (approximately 4,000) in 1996, Hutu-Tutsi mixed married families and other "at risk" Tutsis (1,500) in 1997 and 1999, and Sudanese "Lost Boys" (3,500) in 2000. In 1999, the State Department undertook the most ambitious resettlement plan ever from Africa. Variously reported in 1999 as numbering between 8,500 and 10,000, the Somali Bantu, now estimated to be nearly 13,000 in number, have begun arriving in the United States in a process that should be completed by Spring 2005.

Group, Not Individual Designation. These refugee groups were referred by UNHCR to the U.S. government for resettlement. In some cases the United States actively asks the UNHCR to refer a certain group, often at the urging of newly arrived constituencies in the United States or at the request of U.S.-based NGOs with offices in a refugee-producing region. Sometimes an NGO makes a direct recommendation to the UNHCR for resettlement of a particular group. As one insider told me, "there is a lot of politics around UNHCR referrals for resettlement." The Somali Bantu reportedly received help in obtaining the coveted referral from UNHCR to the U.S. refugee program from the Nairobi law firm Ibrahim and Isaac. The principal partner involved with the Somali Bantu case, Mohammed Ibrahim, is also suing the U.S. government on behalf of local victims of the 1999 U.S. embassy bombings in Kenya and Tanzania.[13]

With the exception of the Lost Boys, each of the refugee groups from Africa is a displaced fragment of a sub-group which suffered discrimination and persecution — in some cases for hundreds of years — as a minority within a larger society. The U.S. State Department admits these individuals under a group designation offered to those who fit the profile of the selected group. The vast majority of refugees admitted to the United States since the Refugee Act of 1980 have been admitted under a group designation or have been family members of someone admitted under a group designation. They become groups of "special concern" to the U.S. government and, for many, group membership automatically confers the main criterion for refugee status: "a well-founded fear of persecution."

Legacy of Arab Slave Trade. The Somali Bantu are originally from modern-day Tanzania, Mozambique, and Malawi. Somalia's civil war in 1991 worsened the already second-class status of the one million or so Somali Bantu. The Somali Bantu, which comprise several tribes, are viewed as two subgroups in their relationship to Somali majority society. One group's ancestors migrated to modern-day Somalia roughly a thousand years ago and consider themselves to be Somalis.

The other group, numbering about 300,000 to 400,000 are descendants of Bantu brought to East Africa by Arab slavers in the 19th century. Severely discriminated against by ruling class or "dominant clan" Somalis, part of this group, also known as Mushungulis, sought refuge in neighboring Tanzania and Kenya with over half of those who fled winding up in UN refugee camps in Kenya.

It is the Somali Bantu in Kenyan UN refugee camps that the United States has agreed to admit on its refugee program.

No Resettlement in Africa. There were successful UNHCR repatriation programs for African refugees in 2002 including 76,000 Sierra Leoneans, 53,000 Burundians, and 32,000 Somalis. This year a repatriation program is underway for approximately 400,000 Angolans.[14]

Surprisingly, the UNHCR has almost never attempted a resettlement program of African refugees to a third country on the African continent. Lack of economic development, unemployment, official corruption, famine, and war, which grip some parts of Africa, are quickly cited as reasons for not considering this option. But this rests, at least partially, on a false Western conception that all of Africa is a basket case and in any event unable to extricate itself from its problems. Popular opinion to the contrary, there are countries in Africa which have expressed a need for farmers and workers, are willing to take immigrants for this purpose, and can provide the stability for a mutually beneficial relationship between host country and immigrant. Mozambique, for instance, recently extended immigration privileges to small numbers of farmers from South Africa and Zimbabwe.

A population of Somali Bantu, possibly 5,000 to 10,000 in number, has already resettled in Tanzania. In some cases the Bantu fled dangerous UNHCR camps in Kenya using an "underground railway" to transport them overland to Tanzania. In June 2003, Tanzania granted formal asylum, which usually leads to citizenship, to Bantu who had fled there beginning in the early 1990s. The number granted asylum in Tanzania was reported as 3,000, but experts put the number at closer to twice that. Also, another group of Somali Bantu has more or less successfully integrated

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into Tanzanian society "sans papier." But some of the Somali Bantu in Tanzania have returned to refugee camps in Kenya in order to qualify for the U.S. refugee program. "We are going to Oz" is the way one Africa-based refugee worker described the mood of anticipation that has swept the group coming to America. Ten years hence they may regret their decision, explained the Swahili-speaking specialist, who told me all the Bantu wanted was to be able to "live and farm in peace."

Return to Ancestral Home?

Prior to the 1999 agreement with the United States, there were efforts to find a permanent home for the Somali Bantu in East Africa. Before the dazzling prospect of emigrating to America was brought up, this was the first choice of the refugees themselves. In fact, they were voluntarily leaving UN camps to seek refuge in Tanzania. Such a return to ancestral homelands was the fulfillment of a dream cherished for almost two centuries.

In his Cornell University masters thesis, Dan Van Lehman, a former UNHCR staffer with 20 years experience in Africa, suggests that intra-Africa resettlement has been neglected by authorities responsible for dealing with African refugees. An advocate for international protection and assistance for oppressed African minorities, he writes, "The Mushungulis' intra-Africa resettlement request to southeast Africa encountered skepticism by UNHCR officials in Kenya [where the Mushungulis were in UNHCR camps] and later by UNHCR offices in Geneva, Dar es Salaam, and Maputo. As a result, minimal effort was expended by the UNHCR outside of Kenya to pursue resettlement for the Mushungulis."[15]

In 1998, prior to the U.S. plan, Van Lehman wrote, "Both the government of Tanzania and Mozambique, while expressing caution, are open to examining the Mushungulis' resettlement request. These governments, however, require that important questions be answered and guarantees of development assistance secured before a decision is made to accept Mushungulis."[16]

Tanzania Was Willing. In 1994, the Tanzanian ministry of home affairs had written to the UNHCR "it is our intention to have these Somalis (Mushungulis) resettled and hence have a permanent solution over this matter. We in principle have no objection in resettling them to Tanzania as and when the conditions for such resettlement are fulfilled."[17] Though Tanzania was clearly ready to accept the refugees, according to Van Lehman, the UNCHR "did not provide any logistical support to process resettlement questions and address Tanzania's questions. Additionally, the UNHCR in Geneva did not provide Tanzania with financial or logistical guarantees to support the resettlement and integration of the Mushungulis into Tanzania."[18] Later in 1994, Rwandan refugees pushed into western Tanzania and the government rescinded its offer to take the Bantu.

Mozambique, the other ancestral home of the Somali Bantu, then emerged as an alternative resettlement destination. According to Van Lehman's report "northern Mozambique and southern Tanzania, where the Somali Mushungulis have historic ethnic ties, are good examples of sparsely populated regions that could easily absorb many thousands of resettled refugees."[19]

"Leadership by the UNHCR to advocate resettlement and guarantee sufficient financial, operational, and political support with African governments is critical to ensure that they remain willing to accept foreign refugees… The UNHCR must employ a proactive approach to assure the receiving governments that the international community, through influential world leaders if necessary, will support the African country with the resettlement process."[20]

Somali Bantu elders made a direct appeal to the government of Mozambique on behalf of the group. Commenting on their appeal, the Mozambican ambassador to the UN, Carlos dos Santos, stated Mozambicans "will seek guarantees not promises of continued assistance. There will be many questions before a decision is taken."[21] In 1997, Mozambique sent an official delegation with an anthropologist to meet with the Somali Bantu in UNHCR camps. The team returned with a report that the Bantu were indeed similar to other Mozambican peoples.

Mozambique Backs Away. Advocates for the Mushungulis contacted Jesse Jackson's office and Nelson Mandela in an attempt to raise the profile of the Mozambican resettlement plan among world leaders. This effort brought nothing. By the end of the 1990s the growing prospect of resettlement to the United States, which was under pressure to meet the quota it had committed for African refugees, made it very easy to walk away from other plans. There was no one left to champion an intra-regional resettlement plan when Mozambique backed away, saying it lacked resources and feared political instability in the region where the Mushanguli might have settled.

According to a senior official in the UNHCR's Resettlement Section, the UN turned to the United

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States only after other resettlement efforts failed. "The UN could have done more" to make the intra-regional move a reality he states, but "we persisted with the United States," obtaining agreement from the State Department to take the whole group. The cost of the resettlement will exceed by an order of magnitude the assistance required by Mozambique and Tanzania and with results possibly far less satisfactory for the refugees themselves.

In a website published to assist refugee workers who will be dealing with the Somali Bantu in America, co-authors and refugee advocates Van Lehman and Omar Eno claim that "the Bantu will face a culture and civil society in America that is as foreign to them as any on earth. Although other refugees with similar histories of persecution and marginalization, such as Hmong from Southeast Asia, have resettled in the United States, no such large group of African immigrants from one minority group has come to the United States…" The "culture of subjugation under which most of them lived may present special challenges to their American resettlement case workers." "Electricity, flush toilets, telephones, and kitchen and laundry appliances are all foreign to most Bantu refugees."[22]

Bias Against Resettlement in Africa

But the larger challenge will be managing the dissolution in a modern western society of a traditional culture with its traditional ways of handling conflict and providing comfort and support. Did the world community fail to get behind a plan to resettle a communal, agricultural people in a neighboring country that is ethnically, linguistically, religiously, and culturally familiar only to disperse them among Section 8 housing units in 50 American cities?

An institutional bias against intra-regional resettlement comes from the U.S.-based resettlement agencies themselves. Functioning as federal contractors and employing at least 5,000 in the United States, most of their income is based on the number of refugees they resettle to the United States — not to other countries.

According the U.S. Committee for Refugees (USCR) Refugee Survey of 2003, some refugees are in camps because the UNHCR lacks the funds to repatriate them.[23] The UNHCR barely has enough resources to maintain refugees in the refugee camps where they live, not to speak of development aid to entice poorer states to take part in resettlement.

Though politics inevitably skews all reporting about institutional needs, virtually all experts agree that world food aid to some parts of Africa is as critical a need as it ever has been. Some UN refugee camps are getting by on 11 cents a day per refugee for food. A suggestion to temporarily "re-program" federal money from domestic resettlement agencies to refugee assistance programs overseas was angrily denounced by U.S. resettlement contractors at a January 2002 meeting with State Department officials. The State Department capitulated, keeping funding at the previous year's level even though the contractors were dealing with a third of their normal refugee caseload.

Most of the current refugee resettlement agencies, known as "Voluntary Agencies" or Volags, started as truly volunteer institutions to help resettle WWII era refugees. With no government help, the organization was legally required to guarantee housing, support, and a job for at least a year from its own resources. They lent their own money to refugees for transportation to the United States, sometimes forgiving the loans if they deemed the refugee could not pay. "Public charge" provisions in immigration law at the time assured almost no public assistance for refugees. Speaking with refugees from the WWII era one often hears of long-standing friendships and reunions with families and first employers who hosted the new arrivals.

A Lucrative Profession

Starting in the 1970s the charities launched a drive to shed responsibility for the refugees they sponsor and at some point they morphed into federal contractors. "Speaking truth to power," which the charities like to claim as their mission, is now a well-paying profession. The director of the International Rescue Committee, a Volag founded by Albert Einstein, earned over $250,000 in 2001 according to public records. The largest Volag today is the U.S. Conference of Catholic Bishops' Migration and Refugee Services. Spokesman Kevin Appleby terminated an interview for this report before the question of director salary could be raised.

Today, the sponsoring organizations can place their charges in all welfare programs and public housing one month after arrival. Incredibly, four months after arrival of the refugee it has sponsored, the refugee contractor is not even required to know where the refugee resides. According to a Center for Immigration Studies analysis of the 1997 and 2002 Census Bureau Current Population Study, the cost of four programs

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(TANF, food stamps, SSI, and Medicaid) for refugees is over $5 billion a year.[24] This figure is undoubtedly a low estimate for these programs and excludes other large programs which refugees use heavily such as public housing and EITC. The ongoing cost of welfare is never factored into official cost estimates of the refugee program.

Even transportation, once a carefully calculated sacrifice for the agencies, has become a no-risk moneymaker. Today, all refugees use money lent to them for transportation to the United States which they are technically required to pay back. Though the money goes through an international organization, IOM, the transportation loan money actually comes directly from the U.S. government.

Taxpayers lent $38 million to refugees for travel to the United States in 2001. As it is collected, 25 percent of the collected money winds up in the coffers of the voluntary agencies who manage the refugee resettlement program. As might be expected, collection success rates are low but, theoretically, there is $10 million of annual income for the contractors when the refugee flow is at normal levels.

The refugee contractors are biased toward solutions that maximize their grants and they have the money to lobby for those solutions. The money they collect from the transportation loan program, for instance, is considered "free and unrestricted" and, even though they are 501(c)(3) charitable organizations, this money can be used however they wish, including for "education" and lobbying.

Public Money Drives Out Private Money. It's worth a potentially eye-glazing excursion into the funding of just one federal refugee grant program, the Office of Refugee Resettlement Matching Grant, to see how thoroughly public money has driven private money out of the refugee program.

In 1995, around 99,500 refugees arrived and the program paid out $27.5 million. In 2002, fewer than 30,000 refugees arrived, yet the program paid out $58.7 million.[25]

How could a program seemingly serving a population less than a third its former size now cost more than twice as much? The program began with the goal of encouraging direct private giving to refugees by providing a federal tax dollar for every dollar of value provided by the refugee contractor while assisting refugees in the United States. "Matching grant" refugees are a subset of the contractor's caseload and have agreed to eschew welfare (except for food stamps, Medicaid, EITC, and other programs) for four months while participating in the program which is oriented towards placing the refugee in a job. The refugee contractors tend to pick those refugees already job-ready for the program. At any rate, after just four months the refugee leaves the program and goes on welfare, if needed. Contractor staff salary and administration overhead can be covered with money the agency earns from the program.

In 1996, the matching formula was re-written to provide 1.4 federal tax dollars for every dollar of value provided by the refugee contractor. Then, in 1999, it started dispensing $2 for each dollar of value from the contractor. All this while requiring the contractor to put up only 20 percent of its match in actual money, the rest of the match to be met in donated goods.

In total, the refugee contractor receives a grant amounting to $2,000 for each refugee participating in the program.

In the year 2000, "matching grant" beneficiaries were expanded to include successful asylum seekers and Cuban/Haitian entrants. By adding Cuban/Haitian entrants and asylum seekers to their constituency, the NGOs have picked up about 50,000 new potential clients a year. According to government reports, the refugee NGOs have been "aggressively" adding asylum seekers and Cuban/Haitian entrants to their books for purposes of the Matching Grant program.

The largest recipient of the "matching grant" program was the U.S. Conference of Catholic Bishops' Migration and Refugee Services, pulling in $17 million in 2002. This means it actually put up just $1.7 million of "its own" resources, making up the rest of its match with donated furniture and used cars valued at $6.8 million, which an ORR spokesman freely conceded is an exercise in "gray accounting."

The accounting gets even grayer when we consider the source of what the contractor calls "its own" money. The fees the agencies earn from collecting on the government transportation loans, considered to be "their" money, can be leveraged as the monetary portion of their "match" in the Matching Grant program. Not bad for a program that began as a dollar-for-dollar matching formula intended to provide "equal participation by the American public and the private sector."

Volags Select Refugees

Perhaps most significantly for the future of the refugee program, the Volags are expanding their role in the selection process of refugees overseas. With the shift in refugee processing from Moscow and Hanoi to Africa

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and the Middle East, some of the refugee contractors have set up offices in refugee-producing regions. Hebrew Immigrant Aid Society, which assists Jews moving to Israel, recently opened an office in Nairobi, Kenya, where it aids Muslim refugees bound for the United States. According to Ralston Deffenbaugh, director of Lutheran Immigration and Refugee Services, slightly more than half of the refugees his agency resettles to the United States are Muslims.

An individual applying for admission to the U.S. refugee program must complete an interview with an agent of the Department of Homeland Security (DHS) who determines whether or not the applicant suffered from past persecution and tries to verify that the individual is who he says he is. But in many cases the intending refugee's first encounter with the U.S. refugee system is with an employee of a refugee contractor. To a large degree, access to the U.S. refugee program is controlled by the refugee contractors who prepare the individual for the DHS interview.

A senior DHS official who asked not to be named described the DHS role in the interview as that of a "blinkered horse — DHS knows nothing about the refugee before the interview or after the interview." By the time some intending refugees see a DHS agent they have been thoroughly prepared by the refugee contractor, they know what to say, and their identity documents — whether "real, stolen, or counterfeited" — are practically unimpeachable, he states. An FBI/CIA clearance for the would-be refugee merely cross-references their given name with a database of known terrorists.

Lying to Get In

Staffers, both from the refugee contractors and DHS, responsible for weeding out fraud and verifying the identities of intending refugees in many cases do not speak any African languages and know little about the region or people they are dealing with. According to Africa-based refugee workers, some of the Somali Bantu are actually "dominant clan" Somali, that is, the very category of people that put the Somali Bantu into the category of "refugee." According to the workers, some "dominant clan" Somalis are trying to enter into sham marriages with the Somali Bantu in order to gain admission to the U.S. refugee program. According to both the DHS and the UNHCR, polygamous marriages will not be a bar to the U.S. refugee program. Husbands need merely divorce their second and third wives prior to DHS processing. The ex-wives will still get a berth on the program with the promise of resettlement in the same town as their ex-husband.

The vetting process for refugees is much more detailed and time consuming than ever before. That should be no surprise since refugees are increasingly arriving from countries such as Kenya and Somalia, which the United States has named as centers for terrorist operations, not to speak of the U.S. military fiasco in Somalia and the U.S. embassy bombings in Kenya and Tanzania.

No Start-to-Finish Tracking. The publicity-savvy refugee contractors, pushing for a rapid ramp-up of the new program, have succeeded in getting their message out that refugees are the most thoroughly vetted group of immigrants ever to hit American shores and that a terrorist would not stay in a camp for 10 years for a chance to be selected for the U.S. refugee program. But as we have seen, even in Africa, it is not hard to get into the refugee program having never seen the inside of a refugee camp. Until the September 11 attacks, the United States had never bothered to confirm that the "refugee" stepping off the plane in New York was the same person who received "refugee" status in Moscow.

According to the State Department up to 50 percent of those in Africa applying as relatives of other refugees — a common refugee category — have submitted fraudulent proofs of family relationships and false identity papers. Refugee camps are centers for all types of political recruitment and refugees routinely mix with criminal and armed elements.

According to my DHS source, since there is no start-to-finish tracking of applicants, it is easy for someone to jump into the application process from out of nowhere with false documents. Even if today we are dealing with more "real" refugees than before, it is folly to assume this means we are dealing with people more inclined to be pro-American. The argument that the United States never took such strict measures with those accepted on the refugee program from Cuba, Vietnam, the USSR, and now its spin-off countries is certainly valid, but is not an argument we can afford to accept.

Widespread Corruption. Corruption is an inevitable concomitant of the refugee resettlement business and it should not be surprising that a subterranean network of consultants, hustlers, and criminals has sprung up to help meet the insatiable demand for its product — a free pass to America. The lack of responsibility and accountability on the part of the refugee contactors

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has magnified this tendency, but it is not a recent phenomenon. The INS detailed what it called "astronomical fraud" in the Soviet refugee program in the early 1990s where perhaps less than one percent of those arriving as refugees met persecution requirements. "Category fraud is relatively easy to perpetrate," wrote Leonard Kovensky, INS director in Moscow. Counterterrorism expert Roy Godson wrote at the time "there were criminals entering the country and no one was doing anything about it…"[26]

The local Volag affiliates in the United States are plagued by fraud and often make local news reports for such things as placing refugees in Section 8 housing owned by employees of the local refugee resettlement contractor, refusing to help refugees the contractor has been paid to help, and other forms of mismanagement of government money.[27] In one case, auditors cited Immigration and Refugees Services of America (IRSA), which purchased houses in Washington, D.C., for two agency officers. The officers were to live in the houses mortgage-free until they were sold. Only upon sale of the house, say 20 years in the future, would the officers be required to pay off the well below-market interest rate home loan. By law, when Congress hands out funds, it must ensure the funds are used in the manner intended. The Office of the Inspector General, seemingly recognizing a potential problem, offered a defense of the practice because "federal funds *may* not have been used for the loan. Based on the audited financial statements, IRSA had over $500,000 in unrestricted private funds in 1998 and *may* have had sufficient private funds previously to make the loan."[28] (Emphasis added.) In other words, even though IRSA is more than 90 percent funded from government sources, it may do what it wants with the small amount of money it brings in from individual donations and donor organizations such as the Ford Foundation and the American Federation of Teachers. As well, the government loan collection fees, as "unrestricted private funds," can be used however the contractor wishes — even to buy houses for employees.

Shallow Media Coverage. Reporting in the national media has been shallow and ill-informed, usually following media relations spin from the contractors themselves. Most articles on the Bantu in America contain a variation of a recent report in USA Today which states: "The government expects refugees to become self-supporting within a few months and to eventually repay their air travel."[29] It is difficult enough to imagine a national debate on the taboo topic of refugee resettlement. The clouds of misinformation obscuring the particulars of the program have made a meaningful national debate seem even more unlikely. However, the Somali Bantu resettlement plan has received more press coverage than any other resettlement effort thus far and there are occasional hints of a backlash, however muted.

Resettlement Raises Concerns

In what must rank as the harshest statement about the Bantu resettlement made by a politician at any level, Sen. Sam Brownback, then Senate immigration subcommittee chair announced on October 12, 2001, "I oppose any resettlement of Somali Bantu refugees in the State of Kansas…. Our office has contacted the Department of State asking them to not resettle any Somali Bantus in Kansas…. Simply put this should not occur." When asked by a local newspaper about his support for Sudanese refugees previously resettled in Kansas, he said "they know English. They're very pro-American." The Bantu, on the other hand, "would not work well in Kansas," according to the senator.

We can only assume that Sen. Brownback regrets the statements, probably made in an emotional post-9/11 moment. Oddly though, as the Republican in the forefront of the movement to liberalize and expand the refugee program, he felt no need to explain or retract. It was never reported in the national media even though the incident is widely known in the refugee resettlement community and certainly is at least as newsworthy as the protest of Holyoke, Mass., against the resettlement of the Bantu in their depressed mill town. Holyoke's refusal, ultimately successful, received wide news coverage. Later, Sen. Brownback told *The New York Times* the United States should expand its refugee program, adding "I don't think we are providing the example to the world we should."[30] I asked Sen. Brownback's office twice about his rebuff of the Bantu refugees, and asked specifically of his press secretary: "Does the Senator oppose the resettlement of any Bantu in Kansas?" The promised answer never came and neither did an attempt to soften or explain the impolitic outburst.

Health Concerns. In response to local concerns over the health and health practices of some of the new arrivals, the State Department in a July 2003 communication promised to provide "expanded information to local health authorities on health-related issues of incoming populations such as the Somali Bantu."[31]

According to a source in PRM, slightly less than 1 percent of the Somali Bantu processed so far

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have HIV. This is roughly the same rate as found among the Sudanese "Lost Boys" in the United States and is consistent with rates believed to prevail in Somalia, but is much lower than rates found in the rest of sub-Saharan Africa. Probably all HIV-positive Somali Bantu will be admitted under a 1999 administrative rule relaxing the requirements refugees need to meet in order to qualify for a waiver of the law barring admission of HIV-positive immigrants.

Conclusion

Immigration to the United States is mostly chain migration along avenues of family, clan, and social network connections. This immigration takes the form of legal "family reunification" immigration, legal refugee immigration, illegal immigration, and asylee immigration. A problem with group designations of immigration privilege, besides it being easy to fake group membership, is that it automatically enhances the petition of another member of the category seeking admission. Experts believe that the up to 13,000 Somali Bantu bound for America have 50,000 to 100,000 direct clan relationships among the one million Bantu left behind in Somalia. But, if "dominant clan" Somali have temporarily intermarried with the Somali Bantus for purposes of coming to America, then the network effect is much broader. The United States has taken in about 40,000 refugees from Somalia between 1993 and 2001. Estimates of the current Somali population in the United States vary, but 150,000 is the figure most quoted by sober sources.[32] When the United States began taking Southeast Asian refugees in the late 1970s, refugee agencies hired temporary workers, thinking the program would only last a few months. Almost 30 years after the last American left Vietnam we are still taking refugees from Southeast Asia. At least 1.5 million have come in as refugees alone from this region.

Already, one can see the outlines of a classic politico-interest group alliance forming around refugee resettlement — complete with a contractor/government agency revolving door. Resettlement may well become a paying proposition for localities. Federal money and jobs in resettlement will be another form of pork, with all the baleful influence that has over the process of policy making.

Suggested Reforms. The refugee contractors must assume real accountability and responsibility for the refugee program. Possibly the only way to keep them involved with the refugees they bring over is to bar refugee access to welfare for a period of time, say, a year or two. At the same time government funds for the contractors should be de-linked from the numbers of refugees they resettle to the United States so they are motivated to consider other solutions. Possibly, like other contractors, they should be required to submit competitive bids for their services. In judging the merits of a bid, the government would consider among its measures of effectiveness, the length of time the contractor stays involved with refugees it sponsors, the numbers of its clients on long-term welfare, and the amount of its own resources it is willing to put into its work. The contractors should not be allowed to become gatekeepers for the program.

The United States contributes about a third of UNHCR's annual budget of $1 billion. With its $400 million annual donation to the World Food Program it is the largest donor of international food aid. Together, this is a fraction of what it spends to resettle the lucky few who are admitted on the U.S. refugee program. It may be necessary for donor countries such as the United States to do even more, and, importantly, to directly reward countries in refugee-producing regions which agree to be third-country resettlement destinations. Coupling intra-regional resettlement with development aid to destination countries could be a cost-effective net "win" for donor and recipient country alike.

The refugee program runs on precedent. The privileges and quotas granted to one group become an irresistible argument for support of the next group. And, truth to be told, if Congress is incapable of ending a group entitlement such as the Lautenberg Amendment, it is hardly in a position to resist the demands of other special interest groups — especially when those groups represent people who really *are* refugees.

But "me-tooism" has never made for good public policy. In fact, it should be an argument for re-examining existing programs — not blindly expanding them.

Expansion of our refugee assistance program must be based upon increased attention to the hardship of refugees in the regions where they reside.

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Endnotes

[1] World Refugee Survey 2002, U.S. Committee for Refugees.

[2] Newland, Kathleen. "The Impact of US Refugee Policies on US Foreign Policy: A Case of the Tail Wagging the Dog," Published in *Threatened Peoples, Threatened Borders: World Migration and U.S. Policy*, N.Y.: The American Assembly, 1995, p. 2.

[3] UNHCR, *Refugees.* Vol. 4, No. 129, January 2003.

[4] Crisp, Jeff. "No Solution in Sight: The Problem of Protracted Refugee Situations in Africa," Center for Comparative Immigration Studies, Working Paper #68, December 2002, p. 4.

[5] E-mail correspondence, August 12, 2003

[6] ibid.

[7] See note 4

[8] www.who.int/gtb/publications/tbrep_96/

[9] Dick, Shelly. "Responding to protracted refugee situations: a case study of Liberian refugees in Ghana," Evaluation and Policy Analysis Unit, UNHCR, Geneva.

[10] Turner, Simon. 2001. "The barriers of innocence," Ph.D. dissertation, Roskilde University.

[11] Crisp, Jeff. "No Solution in Sight: The Problem of Protracted Refugee Situations in Africa," Center for Comparative Immigration Studies, Working Paper #68, December 2002, p. 14.

[12] Sasha Chanoff, *Refugee Reports*, Vol. 23, No. 8, Nov. 2002, p. 3.

[13] The involvement of the Nairobi law firm Ibrahim and Isaac was reported in the African media. Both UNHCR and U.S. State Department officials were not even aware of the existence of the law firm and stated that it played no role in the refugee selection process for the Somali Bantu. I spoke with Mr. Fred Athouk, the assistant to Mohammed Ibrahim, a principal of the firm and a judge in Kenya. Mr. Athouk confirmed the law firm's involvement in the Somali Bantu case, specifically with the request to move the group to the U.S. He could not or would not say who hired the firm. The Bantu themselves did not hire the law firm and Somali Bantu leaders, apparently, do not realize they were helped by a law firm. According to sources in the refugee resettlement community, most likely it was "dominant clan" Somali groups who hired the law firm. From what is known at this point, it is not possible to draw any conclusions about the significance of the law firm's role in this case.

[14] Polgreen, Lydia. "Angolans Come Home to 'Negative Peace'," *New York Times*, July 30, 2003.

[15] "Expanding Protection for Marginalized Refugee Minorities: Resettling Somali Mushungulis to Southeast Africa", Dan Van Lehman, Master's thesis, Cornell University. Copyright 1998, p. 29.

[16] ibid. p. 31.

[17] ibid. p. 34.

[18] ibid. p. 34.

[19] ibid. p. 55.

[20] ibid. p. 61.

[21] ibid. dos Santos, Carlos. 1996. Personal communication with Mozambique's ambassador to the UN. p. 36.

[22] Daniel Van Lehman, Hatfield School of Government, Portland State University, Oregon; Omar Eno, "Somali Bantu – Their history and culture," www.culturalorientation.net/bantu/; published by the Center for Applied Linguistics.

[23] World Refugee Survey, Africa: Somalia-Zimbabwe, USCR. "UNHCR estimates that some 15,000 Somalis willing to return home during 2002 had to remain in refugee camps in Kenya, Djibouti, and Yemen because of lack of funding for repatriation programs." p.4 (in online version).

[24] Camarota, Steven A. "Back Where We Started: An Examination of Trends in Immigrant Welfare Use Since Welfare Reform." Center for Immigration Studies. March 2003.

[25] ORR. "The history of the Matching Grant Program." www.acf.hhs.gov/programs/orr/programs/matchgh.htm

[26] "Vast Soviet Refugee Fraud Detailed," *The Washington Times*, November 4, 1995.

[27] Chunn, Sherri. "Refugee Program Director Resigns," Associated Press, October 5, 2000; Bixler, Mark. "U.S. Lax in Monitoring How Aid Spent," *Atlanta Journal-Constitution*, June 11, 2003; "Refugees Say Agency Ignores Their Needs," *Atlanta Journal-Constitution*, June 11, 2003; "FBI Probing Immigrant-aid Agency in Seattle," *The Seattle Times*, June 24, 1999.

[28] Letter from Department of State, Clark Kent Ervin, Inspector General, April 5, 2002.

[29] Hampson, Rick. "In USA, Somali Refugees See a Reversal of Fortune," *USA Today*, August 4, 2003. The government may expect the refugees to become self-supporting, but it knows otherwise. According to the latest U.S. Office of Refugee Resettlement report to Congress, which relies on self-reporting of welfare usage, 38 percent of African refugees arriving in the last 5 years receive some sort of cash welfare such as TANF or SSI. (This usage rate is actually less than that of other refugee groups such as former Soviets and non-Vietnamese Southeast Asians.) Twenty-three percent of African refugees are in public housing. (Possibly another 23 percent are on waiting lists). www.acf.dhhs.gov/programs/orr/policy/00arc9a.htm#_Ref533224991

Experts agree the Somali Bantu will most likely be substantially more dependent on welfare than previous African refugees. Many refugees do not repay loans for transportation to the U.S. According to the latest data from DOS Bureau of Population Refugees and Migration, Refugee Transportation Loan Program, 8/15/02, about 43 percent of the amount due for these loans is unpaid, leaving a balance of $436.5 million, not including interest. Some 64 percent of the loans made to refugees in the 1980s are uncollected. It is not likely the government will go after members of a poor African tribe when it has allowed refugees from previous waves to default on the transportation loans. At any rate, the only penalty available to the government — a bad credit report — is unlikely to matter much in this case.

[30] Marquis, Christopher. "Since Attacks, U.S. Admits Fewer Refugees." *New York Times*, October 30, 2002.

[31] "USG Efforts to Expedite Refugee Processing since September 11." U.S. Dept of State, Bureau of Population Refugees and Migration Fact Sheet, July 2003. p.4.

[32] Sasha Chanoff. *Somali Bantu Report*, International Organization for Migration. 2002. p. 5.

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Backgrounder

Out of Africa

Somali Bantu and the Paradigm Shift in Refugee Resettlement

By Don Barnett

Despite being masked by the temporary reduction in admissions after 9/11, changes in the refugee resettlement program that began at the end of the Cold War are becoming increasingly consequential. Most importantly, the refugee program has come to be shaped by a global human rights agenda, divorced from the previous grounding in foreign policy and national interest. The most recent evidence for this is the decision to resettle a tribe known as the Somali Bantu from UN refugee camps to the United States, rather than explore the very real possibility of solutions within Africa itself. This paper will examine the process behind a decision to resettle refugees to the United States as well as some of the challenges such a decision entails.

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